

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
AUG 14 2006

CLERK

DAKOTA TRUCK UNDERWRITERS,)
Plaintiff,) No. CIV 06-4139
vs.)
ANNETT HOLDINGS, INC.,) NOTICE OF REMOVAL
Defendant.)

The Defendant, Annett Holdings, Inc. states:

1. The Plaintiff, Dakota Truck Underwriters (“DTU”), is a reciprocal insurance company, owned by its policy holders, organized under South Dakota law and has its principal place of business in Sioux Falls, Minnehaha County, South Dakota.
2. The Defendant, Annett Holdings, Inc. (“AHI”) is a corporation with its principal place of business located in Des Moines, Polk County, Iowa.
3. This action was commenced by Plaintiff in the Second Judicial Circuit Court for Minnehaha County, South Dakota.
4. The Complaint was filed by Plaintiff on or about July 12, 2006. The time has not elapsed within which the Defendant is allowed to file this Notice of Removal.
5. This suit is within the original jurisdiction of this Court as it is predicated on 28 U.S.C. § 1332 pertaining to diversity of citizenship. The matter in dispute exceeds the sum of \$75,000.00, exclusive of interest and costs. The Defendant is not a citizen of South Dakota.

6. Attached are copies of all process and pleadings served upon the Defendant and filed in the underlying state court action.

7. No further pleadings, court orders or notices have been served upon the Defendant by the Plaintiff in this case.

WHEREFORE, the Defendant, Annett Holdings, Inc., hereby removes the above-captioned case from the Second Judicial Circuit Court for the County of Minnehaha, South Dakota to the United States District Court for South Dakota, Southern Division.

RITER, ROGERS, WATTIER & BROWN, LLP

By: 

John L. Brown
319 South Coteau Street
Pierre, SD 57501
Telephone (605) 224-5825
Facsimile (605) 224-7102

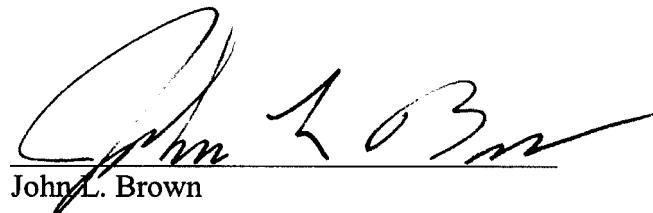
Robert E. Konchar AT0004383
Kimberly K. Hardeman AT0003230
MOYER & BERGMAN, P.L.C.
2720 1st Avenue N.E.
P. O. Box 1943
Cedar Rapids, IA 52406-1943
Telephone: 319-366-7331
Facsimile: 319-366-3668
E-mail: bkonchar@moyerbergman.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I, John L. Brown, certify that a true and correct copy of Notice of Removal was mailed to the following by first class mail on the 14th day of August, 2006:

Roberto A. Lange
Cheryle W. Gering
Davenport, Evans, Hurwitz & Smith, LLP
206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030



A handwritten signature in black ink, appearing to read "John L. Brown". The signature is fluid and cursive, with "John" on the left and "L. Brown" on the right, separated by a short horizontal line.